IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19542 of 2007(B)

AGAINST THE ORDER IN EP.1/2006 IN OS.91/2004 of SUB COURT, KASARAGOD
.....

PETITIONER:

P.N.GOPALAKRISHNAN,AGED 49 YEARS,S/O. THIMMAYYA,A.S.I.OF POLICE,RESIDING AT POLICE QUARTERS,P.O.KUMBLA,KOIPADY VILLAGE,KASARAGOD TALUK AND DISTRICT,NOW RESIDING NEAR LEAGUE OFFICE MOGRAL,P.O.MOGRAL,KASARAGOD TALUK AND DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENTS:

KARUNAKARA BHANDRAY, AGED 38 YEARS, S/O.MAHALINGA BHANDARY, POOJA HOUSE,MAHANAGARA OF MULINJA VILLAGE & UPPALA POST,KASARAGOD TALUK AND DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 19542 OF 2007

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Dated this the 26th day of June, 2007.

J U D G M E N T

This writ petition is filed to direct the District Court, Kasaragod to dispose of A.S.14/06 and also to accept Ext.P5 title deed, Ext.P9 salary certificate and Ext.P10 LIC policy in compliance of Ext.P4. The District Court passed an order under Order 41 Rule 5 that interim stay on furnishing security for Rs.1,40,000/- and notice 7/6/06. Normally, this sufficiency of security is tested by the Court which passed the decree. Therefore, I clarify the order of the learned District Judge and direct the executing Court where the matter is pending as E.P.1/06 to consider the sufficiency of security to be furnished by the appellant in A.S.14/06. If the Court is satisfied regarding the furnishing of security, after hearing the decree holder as well, the Court may stay further proceedings with respect to execution till the appeal is disposed of by the appellate Court.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-